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Counsel for Defendant Walgreen Co.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GARY REYNOLDS and ROBERT
MASON, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Case No.: 15-cv-324-JSW

**STIPULATED REQUEST FOR ORDER
EXTENDING PLAINTIFF'S TIME TO
RESPOND AND CONTINUING
HEARING ON WALGREEN'S MOTION
TO DISMISS**

[N.D. CAL. CIV. L.R. 6-1(b), 6-2, 7-12]

Pursuant to the United States District Court, Northern District of California Local Rules, Rules 6-1(b), 6-2, and 7-12, the parties stipulate as follows.

WHEREAS, plaintiff filed this action on January 23, 2015 (Dkt. No. 1), and defendant moved to dismiss it on March 11, 2015 (Dkt. No. 15);

WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3(a), plaintiff's response to defendant's motion to dismiss is currently due on March 25, 2015;

WHEREAS, plaintiff has requested, and defendant has agreed, to a 14-day extension of plaintiff's time to respond to the motion to dismiss;

WHEREAS, the parties agree there should be a corresponding continuance of the April 17, 2015 hearing date defendant originally noticed;

WHEREAS, defendant is unavailable for a May 1, 2015 hearing; and

WHEREAS, no current Court-ordered event dates or deadlines are affected by this stipulation.

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES:

Upon the Court's Order, plaintiff's deadline for responding to defendant's motion to dismiss shall be April 8, 2015. Defendant's deadline for filing a reply, if any, shall be April 15, 2015. The hearing on defendant's motion to dismiss shall be continued to May 8, 2015.

IT IS SO STIPULATED.

Dated: March 20, 2015

Dated: March 20, 2015

/s/ Jack Fitzgerald

/s/ Sarah E. Johnston

Jack Fitzgerald


Sarah E. Johnston

Counsel for Plaintiff

On Behalf of Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: March 23, 2015


Hon. Jeffrey S. White
United States District Judge

Attestation Pursuant to Civ. L.R. 5.1(i)

Pursuant to N.D. Cal. Civ. L.R. 5.1(i), I, Jack Fitzgerald, hereby attest that I have obtained concurrence in the filing of this document from the other signatories to this documents.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 20th day of March, 2015, in San Diego, California.

/s/ Jack Fitzgerald
Jack Fitzgerald

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MASON, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Case No.: 15-cv-324-JSW

**DECLARATION OF JACK
FITZGERALD IN SUPPORT OF
STIPULATED REQUEST FOR ORDER
EXTENDING PLAINTIFF'S TIME TO
RESPOND AND CONTINUING
HEARING ON WALGREEN'S MOTION
TO DISMISS**

[N.D. CAL. CIV. L.R. 6-2]

1 I, Jack Fitzgerald, declare:

2 1. I am a member in good standing of the State Bars of California and New York;
3 and of the United States District Courts for the Northern, Eastern, Central, and Southern
4 Districts of California, the Northern, Southern, and Eastern Districts of New York, and the
5 Western District of Wisconsin; and of the United States Court of Appeals for the Ninth
6 Circuit. I make this Declaration pursuant to N.D. Cal. Civ. L.R. 6-2(a), based on my own
7 personal knowledge.

8 2. Plaintiff has requested an enlargement of time in which to respond to Walgreen's
9 motion to dismiss in order to better consider Walgreen's jurisdictional arguments and explore
10 a possible early resolution. Walgreens has stipulated to continuing the hearing date to May 8,
11 2015 (because Walgreens' counsel is unavailable on May 1), and extending plaintiff's
12 response due date by two weeks, to April 8, 2015 (and correspondingly, Walgreens' deadline
13 to reply to April 15, 2015).

14 3. The parties previously stipulated to an extension of Walgreen's time to respond
15 to the Complaint. (Dkt. No. 9.)

16 4. The requested modification will push out by two weeks the hearing on
17 Walgreen's motion to dismiss, but should not otherwise affect the case as it is in its beginning
18 stages and there has been no scheduling order issue yet.

19
20 I declare under penalty of perjury that the foregoing is true and correct to the best of
21 my knowledge.

22 Executed this 20th day of March, 2015, in San Diego, California.

23
24 /s/ Jack Fitzgerald
25 Jack Fitzgerald
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